

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/S Eastern Avenue, 15' S of		
Centerline of Oliver Beach Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
5 th Councilmanic District	*	OF BALTIMORE COUNTY
12948 Eastern Avenue		
David R. Peacock & Charlotte I. Scott	*	CASE NO. 99-386-SPHX
Petitioner		
	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing and special exception filed by the legal owners of the subject property, David Peacock and Charlotte Scott. The Petitioners were represented by Thomas P. Dore, Esquire. The special hearing request is to approve business parking in a residential zone in accordance with Section 409-8B and to approve the non-conforming use of a residence in a commercial building in accordance with Section 104. In the alternative, the Petitioners requested a special exception to allow living quarters in a commercial building in the event the special hearing for non-conforming use is denied. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit I.

Appearing at the hearing on behalf of the request were: David Peacock and Charlotte Scott, owners of the property; Kenneth Wells, a land surveyor; and, Thomas Dore, Esquire, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property which is the subject of this request is located at 12948 Eastern Avenue. The subject property is the site of the Oliver Beach Inn, a neighborhood tavern, which has existed on the property for many years. Testimony revealed that the tavern was actually opened in 1939. The bar or tavern area is situated to the front of the structure with a residence located in the rear of the structure. Since the opening of the Oliver Beach

ORDER RECORDED & INDEXED
 Date 6/17/99
 By J.R. [Signature]

Inn, the building has always been used as a restaurant/bar, with a residence located to the rear. Mr. Peacock, who is the current owner and operator of the bar, testified that for the past twenty (20) years he, himself, has lived in the residence within the Oliver Beach Inn. At this time, he proposes to have the manager of the bar occupy the apartment or residence in the building, and he intends to construct a single family dwelling on lot 2 as shown on the site plan submitted. Lot 1 will retain the tavern and apartment. Lot 2, which is undeveloped at this time, will house the dwelling that Mr. Peacock intends to build. Furthermore, there is a small portion of customer parking associated with the Oliver Beach Inn that currently occupies that portion of the property zoned D.R.2. Therefore, the special hearing request is to approve these parking spaces that have existed on this area of the property for many years.

After considering the evidence and testimony offered at the hearing, I find that the residence situated in the Oliver Beach Inn bar, be and is hereby approved as a legal non-conforming use. Testimony indicated that the bar and residence were constructed in 1939 and have remained that way since that time. Furthermore, the parking area situated in the D.R.2 portion of the property, as shown on the site plan, is also non-conforming in that it has existed in that area for many years. The Petitioners are merely requesting the special hearing relief to allow the continuation of the existing conditions on the property. Nothing new is being requested by the Petitioners, except for the construction of a single family dwelling on Lot 2 which is zoned entirely residential.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or

ORDER FILED
DATE 6/17/99
BY R. J. J. J.

not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, MD., 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- (a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the current use have a substantial different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, MD., supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a bar/tavern since prior to 1945, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

ORDER RECEIVED FOR FILING

Date

6/17/99

By

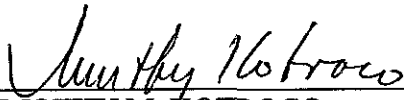
R. G. Gannon

After considering the testimony and evidence offered by the Petitioners, I find that the special hearing should be granted to allow the business parking to continue on the portion of the property zoned D.R.2, and also the residence located within the Oliver Beach Inn to be approved as a non-conforming residence, in that both pre-date zoning in Baltimore County.

THEREFORE, IT IS ORDERED this 17th day of June, 1999, by this Deputy Zoning Commissioner, that the special hearing request to approve business parking in a residential zone and a residence in a commercial building as legal nonconforming uses, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special exception request to approve living quarters in a commercial building be and is hereby dismissed as moot, given that the special hearing to approve same as a nonconforming use has been granted.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and in accordance with Section 501 of the Baltimore County Zoning Regulations.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 6/17/99
By R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 17, 1999

Thomas P. Dore, Esquire
Covahey & Boozer, P.A.
606 Baltimore Avenue, #302
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 99-386-SPH
Property: 12948 Eastern Avenue

Dear Mr. Dore:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. David R. Peacock
Ms. Charlotte I. Scott

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12948 Eastern Avenue

which is presently zoned B.L./DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. Business parking in a residential zone in accordance with Section 409-8B
2. Non-conforming use of a residence in a commercial building in accordance with Section 104

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Thomas P. Dore, Esquire

Name - Type or Print

Signature

Covahey & Boozer, P.A.

Company

606 Baltimore Ave., #302 (410) 828-5525 Ext. 834

Address

Telephone No.

Bowson, Md. 21204

City

State

Zip Code

Legal Owner(s):

David R. Peacock

Name - Type or Print

Signature

Charlotte J. Scott

Name - Type or Print

Signature

12948 Eastern Avenue (410) 335-5924

Address

Telephone No

Baltimore, Md. 21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 99-386-SPHX

REC'D 9/15/98

Kelly J. Neuman
Comm App: 12-15-2000



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 12948 Eastern Avenue

which is presently zoned B.L./DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

to allow living quarters in a commercial building in accordance with Section 230.13

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Thomas P. Dore

Name - Type or Print

Signature

Covahey & Boozer, P.A.

Company

606 Baltimore Ave., #302 (410) 828-5525 Ext. 834

Address

Telephone No.

Towson, Md. 21204

City

State

Zip Code

Legal Owner(s):

David R. Peacock

Name - Type or Print

Signature

Charlotte I. Scott

Name - Type or Print

Signature

12948 Eastern Avenue (410) 335-5924

Address

Telephone No.

Baltimore, Md. 21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

RDD/JF

Date

3/31/99

Case No.

99-386-SPHX

REV 09/15/98

Kelly L. Nelson
Com. Exp. 12-15-2000

ZONING DESCRIPTION

Beginning at a point on the west side of Eastern Avenue, which is 30 feet wide at the distance of 15 feet south of the centerline of Oliver Beach Road, which is 30 feet wide. Thence the following courses and distances:

- 1) South 33°-46'-25" West 387.56 feet
- 2) North 56°-13'-35" West 99.83 feet
- 3) North 33°-46'-25" East 381.72 feet
- 4) South 59°-34'-35" East 100.00 feet to the place of beginning as recorded in Liber 8433 Folio 548

Being Lot 46 Section B in the subdivision of Twin River Beach as recorded in Baltimore County Plat Book 8 Folio 11 containing 38,420 sq. ft. Also known as 12948 Eastern Avenue and located in the 15th Election District.



Frank S. Lee

Item # 386

99-386-SPHX

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item # 386

No. 065428

DATE 3/30/99 ACCOUNT REC-01-6150

AMOUNT \$ 550

RECEIVED FROM: David Peacock & Charlotte Scott
12948 Eastern Ave.
FOR: Special Hearing & Special Exception 00/100

Taken by

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTION TIME
03/30/1999 3/30/1999 10:21:44
03/30/99 CASHIER PAYS PER MAYOR
MISCELLANEOUS CASH RECEIPT
RECEIPT # 060319
OR NO. 065428

100.00 (TAX)
Baltimore County, Maryland

99-386-SPHX

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-386-SPHX
12948 Eastern Avenue
W/S Eastern Avenue, 15' S of
centerline Oliver Beach Road
15th Election District
5th Councilmanic District
Legal Owner(s):
Charlotte I. Scott &
David R. Peacock

Special Hearing: to approve
business parking in a residen-
tial zone, to approve the non-
conforming use of a residence
in a commercial building.

Special Exception: to allow
living quarters in a commercial
building.

Hearing: Monday, May 17,
1999 at 11:00 a.m. in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

4/5/2 April 29 C308005

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 4/29/, 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

R: Case No

99-386-SPHX

Petitioner/Developer PEACOCK/SCOTT, ETAL
% THOMAS DORE, ESQ. C.C. & B.

Date of Hearing/Closing 5/17/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #12948 EASTERN AVE.
& @ OLIVER BEACH RD. VICINITY
2-SIGNS ONSITE

The sign(s) were posted on

4/30/99

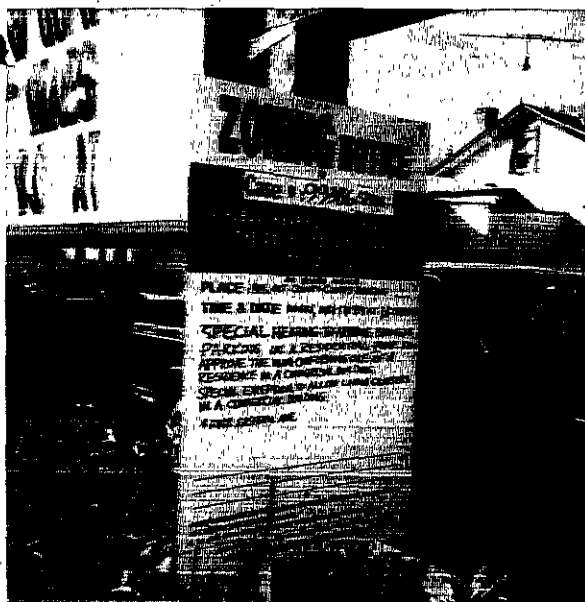
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 5/2/99

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE



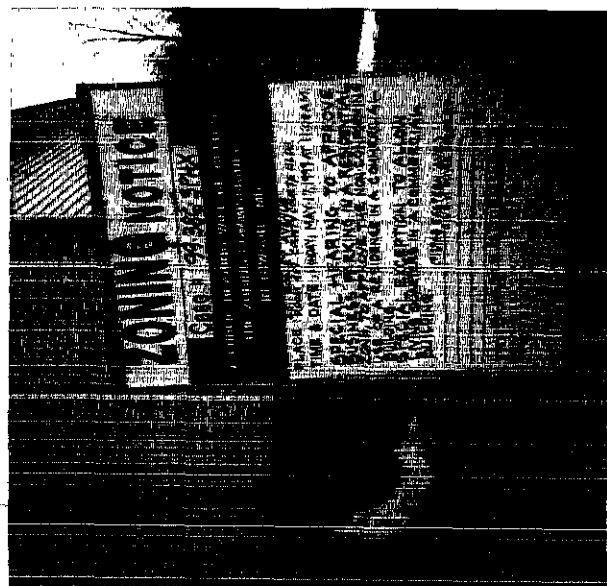
T. DORE
C.C. & B.

99-386-SPHX

#12948 EASTERN AVE.

PEACOCK & SCOTT, ETAL

5/17/99



99-386-SPHX
#12948 EASTERN AVE
D.R. PEACOCK & C. SCOTT 5/17/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: Item # 386 Case # 99-386-SPHX
Petitioner: David R. Peacock and Charlotte L. Scott
Address or Location: 12948 Eastern Ave Baltimore Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas P. Dore
Address: CORNEY'S BARBER P.A.
606 Baltimore Ave Suite 302 Towson Md 21204
Telephone Number: 410 - 828 - 5525 ext P34

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-386-SPHX

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to allow business parking in a residential zone and
to approve non-conforming use of a residence in a commercial building
Special Exception to allow living quarters in a commercial
building

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 13, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-386-SPHX
12948 Eastern Avenue
W/S Eastern Avenue, 15' S of centerline Oliver Beach Road
15th Election District – 5th Councilmanic District
Legal Owner: Charlotte I. Scott & David R. Peacock

Special Hearing to approve business parking in a residential zone, to approve the non-conforming use of a residence in a commercial building. Special Exception to allow living quarters in a commercial building.

HEARING: Monday, May 17, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Thomas P. Dore, Esquire
Charlotte Scott & David Peacock

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 2, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
April 29, 1999 Issue – Jeffersonian

Please forward billing to:

Thomas P. Dore, Esquire
Covahey & Boozer, PA
606 Baltimore Avenue
Suite 302
Towson, MD 21204

410-828-5525, ext. 834

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-386-SPHX

12948 Eastern Avenue

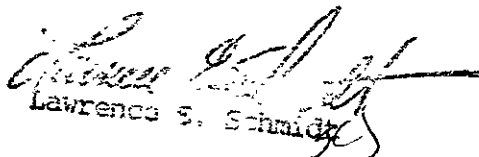
W/S Eastern Avenue, 15' S of centerline Oliver Beach Road

15th Election District – 5th Councilmanic District

Legal Owner: Charlotte I. Scott & David R. Peacock

Special Hearing to approve business parking in a residential zone, to approve the non-conforming use of a residence in a commercial building. Special Exception to allow living quarters in a commercial building.

HEARING: Monday, May 17, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 22, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for April 19, 1999
 Item No. 386

The Bureau of Development Plans Review has reviewed the subject zoning item. The parking spaces for Lot 1 do not have an on-site maneuvering area.

RWB:HJO:jrb

cc: File

ZAC0419.386

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: _____

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/12/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 381
382
384
385
386
387
388
391
392



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.16.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 386

RDD/JRF

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 9, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - RM
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 386
PETITIONER: David R. Peacock and Charlotte I. Scott

VIOLATION CASE NO.: 97-206

LOCATION OF VIOLATION: W/S Eastern Avenue, 15' S of the centerline
Oliver Beach Road (12948 Eastern Avenue)
15th Election District

DEFENDANT(S): David R. Peacock and Charlotte I. Scott

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/rm/lmh

99.386.SPHX

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
12948 Eastern Avenue, W/S Eastern Ave,
15' S of c/I Oliver Beach Rd, 15th Election District,
5th Councilmanic

Legal Owners: David Peacock and Charlotte Scott

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-386-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th April day of ~~March~~, 1999, a copy of the foregoing Entry of Appearance was mailed to Thomas P. Dore, Esq., Covahey & Boozer, 606 Baltimore Avenue, Suite 302, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
David R. Pappas
Charlotte Scott
Kenneth Walls
Tom Done

ADDRESS
12948 EASTERN AVE
7001 Ocean Beach Rd.
7403 NewCent Rd. 21087
608 BATTONE AVE suite 302
Tomball 21209



- Tavern - 50 yrs old

- Oluen Beach Inn

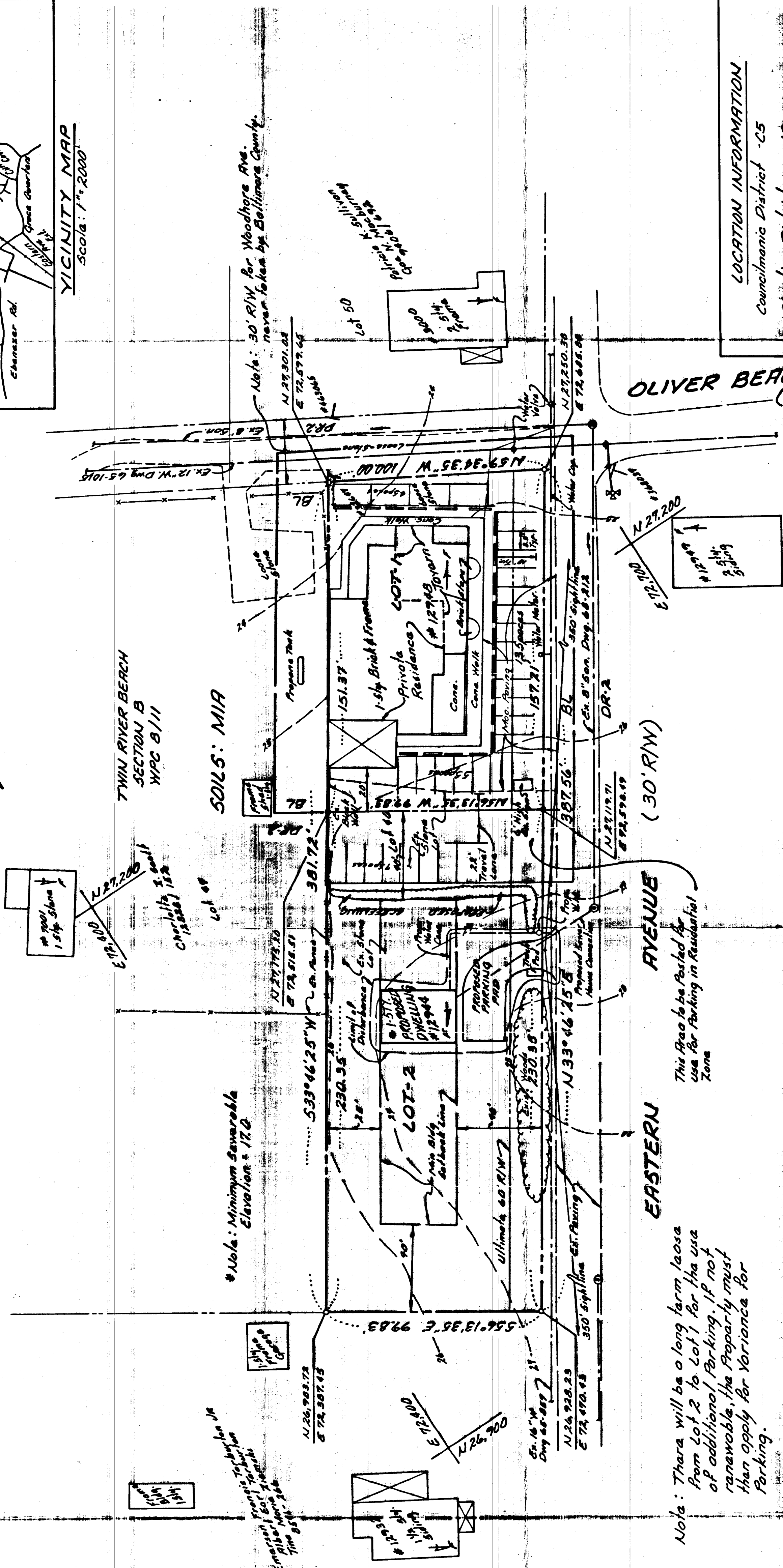
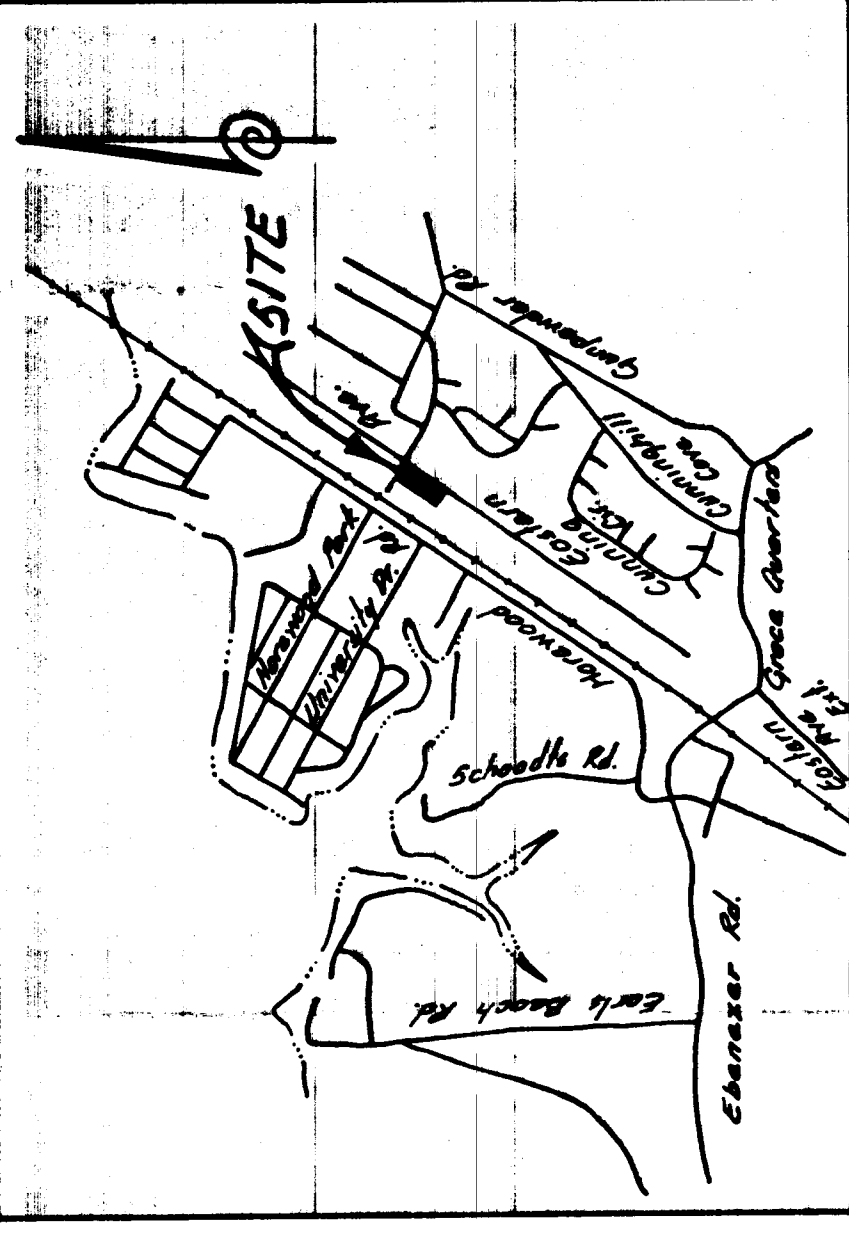
20 yrs Operator + owner

1939 Beena Bar there + always a residence

NOTES:

1. Area: Entire Tract: 0.8812 Ac. ±
Lot 1: Gross 0.355 Ac. ±, 15,464 Sq. Ft. ±
Lot 2: Gross 0.527 Ac. ±, 22,954 Sq. Ft. ±
Highway Widening: 0.0 Ac. ±
2. Present Zoning: BL & DR-2 (Major Use TM)
3. Density Calculations: DR-2 - 20,000/Sq. Ft. 0.527 Ac. ± = 106 Lots
No. of Lots Allowed: 1
No. of Lots Proposed: 1
4. Present Owner: David R. Pappach & Charlotte J. Scott
12100 Conifer Ave.
Bellevue, WA 98007
Tel: 410-335-5724
5. Tax Account No: 15-18-474021
6. Deed Reference: Liber 8633 Folio 548
7. Tax Map 84, Grid 1, Parcel #4
8. Census Tract: 451702
9. Regional Planning Dist: 322B
10. School Dist: 137
11. Watershed: 5
12. Sub-Watershed: 12
13. Coordinates and Bearings are Referenced to the Baltimore County Magnetic Meridian and are Based on the following:
#10013 N 270.56.93 E 73034.66
#10013 N 270.56.93 E 73034.66
14. Use of Lot - 2: Single Family Dwelling.
The Property is zoned for Single Family Dwelling.
The Property is zoned for Single Family Dwelling.
The Property is zoned for Single Family Dwelling.
15. There are No Streams or Wetlands with 100 feet of the Property Except as shown.
16. There are No Wells, Septic Tanks or Underground Storage Tanks on Subject or Adjacent Properties, Except as shown.
17. Property Not in Critical Bay Area.
18. This Property has no Zoning History.
19. It is Certified that this Plan is in compliance with all laws, previously approved by the County and Baltimore County Commission and Ordinance.
20. Future Highway Widening is the dedicated to Baltimore County of no cost if Eastern Avenue is ever improved.
21. This is an Inter-family Transfer and is exempt from Forest Conservation Regulations.
22. Limit of Disturbance 3500 SQ. FT.
23. This Property as shown on the Plan has been held in fee since May 12, 1948.
The Property's Engineer has affirmed that no part of the Gross Area of this Property is shown on the Plan has ever been utilized, recorded or represented as density or area to support any other side dwellings.
24. Because the language of a Building Permit, a side elevation of the proposed dwelling articulated to resemble a front, must be submitted to and approved by the Office of Planning.
25. Parking Calculations
Tenants: 1350 Sq. Ft.
20 Spaces per 1000 Sq. Ft. = 27 Spaces, Required
29 Spaces, Provided
26. Reason for Special Exception is for a Residence in a Commercial Zone.

Zoning Classification	Minimum Lot Area (Sq. Ft.)	Minimum Building Footprint (Sq. Ft.)	Minimum Building Height (Feet)	Minimum Yard Depth (Feet)
DR-1	40,000 Sq. Ft.	180	20	50
DR-2	20,000 Sq. Ft.	90	15	40
DR-3	10,000 Sq. Ft.	70	10	30
DR-5	6,000 Sq. Ft.	55	10	20
DR-10.5	3,000 Sq. Ft.	20	10	10
DR-16	2,500 Sq. Ft.	20	10	10



OLIVER BEACH RD.
(30' R/W)

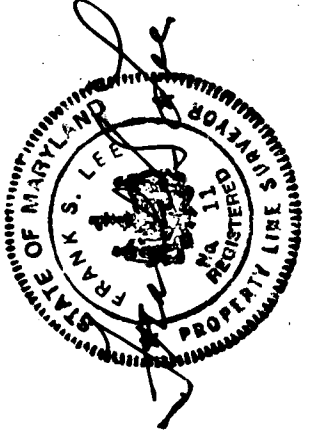
EASTERN AVENUE
(30' R/W)

Note: There will be a long term lease from Lot 2 to Lot 1 for the use of additional parking. If not renewable, the Property must then apply for Variance for Parking.

LOCATION INFORMATION
Councilman District - C5
Election District - 15
1:200 Scale Map # NE-TM
Zoning - DR-2 & BL
Lot Size 0.355 15,464
Area Sq. Ft.

Abba Abba
Sewer ☒ ☐
Water ☒ ☐
Chesapeake Bay Critical Area ☒ ☐
Prior Zoning Hearings: N/A

Zoning Office Use Only
Reviewed By: _____ Item #: _____ Case #: _____



PLAN TO ACCOMPANY HEARING
FOR
SPECIAL EXCEPTION
NONCONFORMING USE
12948 EASTERU AVE.
TWIN RIVER BEACH
Scale: 1"=20' Date: Feb. 1999

Item # 386

99-386-SPHX

